

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROTHY'S, INC.,

Plaintiff,

v.

BIRDIES, INC.,

Defendant.

Case No. [21-cv-02438-VC](#) (AGT)

**DISCOVERY ORDER**

Re: Dkt. Nos. 120, 123

Rothy's hasn't established that Birdies violated either the Dkt. 102 discovery order or the Dkt. 109 discovery order. As for Rothy's suggestion that it needs more discovery to oppose summary judgment, at this point additional opposition-related discovery isn't realistic. Rothy's summary-judgment opposition brief is due today. If Rothy's believes more discovery is needed to oppose summary judgment, it must make this argument before Judge Chhabria, pursuant to Rule 56(d). This order is without prejudice to Rothy's renewing requests for discovery rejected here if summary judgment is denied.

Each side will bear its own fees and costs.

**IT IS SO ORDERED.**

Dated: February 22, 2022



Alex G. Tse  
United States Magistrate Judge